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From: Village Apt [mailto:marsha@vilapt.com]

Sent: Sunday, March 23, 2008 11:43 PM

To: Marshall, Barbara; Apo, Todd K; Djou, Charles; Tam, Rod; Garcia, Nestor; Kobayashi, Ann H.; Cachola, Romy; Okino, Gary; Dela Cruz, Donovan M

Subject: B & B legislation

Aloha Councilmembers,

On Saturday, I received the following letter requesting that we send you letters with talking points from Mr. Don Bremner. Obviously, these talking points are against any legislation to approve the permitting of B&Bs, vacation homes, cottages, and condos on Oahu.

I am a firm believer that there are at least two sides to every discussion. Therefore, I think it only fair that you have the opportunity to read both sides of the issue. Please note that my comments are in red - next to each of Mr. Bremner's "talking points."

Mahalo,
Marsha Field
Kailua

Mr. Bremner's letter:

We need to pave the way for our testimony at the Council zoning committee on Thurs., Mar 27th at 9:00 am with a barrage of e-mails to the Council members up to, and including, Wed., Mar 26 . Their addresses are below. Also attached are some 'talkng points' for possible use in testimony or e-mails. This request is in addition to testimony submitted to, or delivered orally to, the zoning committee on Thurs., not in lieu of.

Please ask your e-mail list and other friends and acquaintances to send e-mails also. We are 'down to the wire' on this issue and it is time to unleash all of our resources on the Council. We cannot afford to hold back any longer so please send your e-mails right away and ask friends to do the same .

Mahalo, Don Bremner, Keep It Kailua !

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Some possible information for use in e-mails/testimony to the City Council

Please **restore our trust in our government by honoring the 1989 promise** that there would be **no more B & Bs** allowed

Many of the B&Bs that were licensed in 1989 no longer exist -- their owners have died, moved, or, quit. Normal attrition: most B&Bs only last for 3 to 4 years - so the top number is no longer valid.

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Oahu of 2008 is not the same city/county that it was almost two decades ago. A promise that there would be no more B&Bs is similar to when a new company buys the business you are working for. The first thing they say is, "We will not make any changes. We promise you ..." But the first thing they always do is make changes. It's inevitable. We live in a world that changes daily. We vote for new legislators because we want change. We don't want the same old, same old, or the out-of-touch ideas. And the visitor count to Oahu has grown a million or more since then. Where are the visitors supposed to stay if they don't want to be in a "tourist" area? Bremner and his cohorts think it would be just fine if these visitors stayed home or went somewhere else. What does HTA or DBEDT think?

Planning Commission is only governmental agency to honor that promise in the last 3 years. The community should get better treatment from its elected officials.

I would like to think that our elected officials represent ALL of the people, not just those who follow Don Bremner. Our elected officials should weigh all sides of an issue and choose the one or a combination that helps the most people and is positive for our entire Island. This is an Island-wide issue, not just the beachfront of Kailua.

We hope the Council will **stop giving credence to false claims**, e.g.,

- a. The present prohibition against vacation rentals is "unenforceable." **Wrong**, we have proven that the law is readily enforceable. Many illegals have been terminated and others severely impacted. Enforcement effectiveness can, and is, being constantly improved.

If Mr. Bremner thinks that lying to officials - having his followers say that they are being bothered, annoyed, etc. by vacation rentals that are miles away from where they live; by threatening people; harrassing neighbors, and using other non-neighborly tactics is effective enforcement, then he might be happier living in a dictatorship. This is not the Aloha spirit. This is just being mean. If permits are issued under well-thought-out regulations, then vacation rental owners (all inclusive) can enforce the rules ourselves. We don't need to waste the time of City and County government. There are so many more pressing problems on Oahu than whether my neighbor is renting out his home for less than 30 days. One real problem is whether my neighbor is dealing in crystal meth. Now that's a problem we all have to be concerned with!

- b. People need rental income to pay the mortgage. **Hogwash.** (1) They can get rental income from legal long-term renting; (2) Elderly widows should no longer have an outstanding mortgage if home was purchased prior to 1989- if home purchased after 1989, it was with knowledge that short-term rentals were illegal; (3) In either case, property value escalation has given owners millionaire asset status; (4) It is not good reasoning to negatively

impact neighborhoods on a long-term basis to cater to a few on a short-term basis

Mr. Bremner shouldn't talk unless he has walked in all of our shoes. If he is independently wealthy and isn't on a fixed income - good for him! My elderly neighbor is on a fixed income. Her water and electric bills have gone up. Gasoline is sky high. Her taxes went up. Food costs have gone up. But her income stays the same. Take away her vacation rental and she'll be another homeless person. Just because someone bought a house before 1989, doesn't mean they don't have a mortgage. What a lucky man Bremner must be - no bills to worry about, no mortgage - so he thinks everyone else is like him. Not so. Yes, our houses are now worth much more money than they were in 1989 - that has helped to renovate, or put in new carpeting, et. al. Has Mr. Bremner ever heard of re-financing a house? Using the money to renovate, help a relative out, pay for medical bills, send a grandchild to private school, etc. Maybe the owner of a house doesn't want to sell and wants to spend the rest of their lives in their "home." Short-term rental is their only answer.

He says, we can get rental income from long-term renters. Not many people want to spend a year living in one room with a bathroom. The long-term renters generally have family, more than a few people and more than a few cars, and pets. They can't afford to pay enough rent to cover a gardener, the high electric bill, etc.

Rooms in a house are not going to solve the homeless problem. If Mr. Bremner and his friends think this is the solution to the homeless problem on Oahu, they should rent out rooms in their houses. Then, maybe they will have the right to judge the rest of us.

- c. Bill 9 (Council version) is more stringent than Bill 8 (DPP version). **Not so**, Bill 9 has confusing language that will produce loopholes and weaken its application. It would produce smaller fines than the DPP version in similar situations. It is more lenient than the DPP version, not more stringent.

Huh?!

- d.. The Community favors more B & Bs. **Wrong**, this conclusion comes from some "phony" polls that misrepresent the actual mood of the community. The polls are "phony" because the sample used is so small that it is inconsequential. In the Council poll, 60 people constitute the "majority" response in each Council district which have populations of more than 100,000. The Council poll is also biased by the prefacing of the questions with false information ("...an illegal trade has sprung up which the city has no money to stop") and by the formulation of the content of the poll by a Council member who is biased in favor of new B & Bs, Barbara Marshall. The March, 2007 Kailua Neighborhood Board election was a referendum on B & Bs because the illegals put up candidates in an attempt to infiltrate

the Board. All "B & B" candidates were resoundingly defeated and a vocal opponent of vacation rentals, led the ticket.. Some 5,000 people voted in the election, a record turnout, with more than 80% voting against B & B candidates.

Mr. Bremner calls a poll "phony" if it doesn't have the conclusion he wants. A sample survey of 600 representing one million is the standard in Arbitron and Nielsen Radio and TV surveys respectively and these are highly respected surveys/polls - that's the same as 60 per 100,000. I sincerely doubt that Barbara Marshall is biased in favor of B&Bs. I have been to some of her town meetings and she listened to the people. That's the most we can ask of any Councilmember - listen to the majority -- not just the loudest, listen to reason and do what is right for the majority of your constituents.

Since when is an election for a Neighborhood Board a referendum? That is the main problem when the same people sit on the Board year after year. They form their own little political group and suddenly they become little dictators. And the community becomes apathetic, knowing that their opinions don't count anymore. The concept of a Neighborhood Board is to represent the community and be an advisory board. Since when does the Neighborhood Board have such power that they can overrule the majority? How does 5,000 votes become a resounding defeat for those in favor of B&Bs. There are some 20,000 registered voters in Kailua. One-fifth of them voted in the Neighborhood Board election last year. And at least 1,000 of that small number voted for new Board members. The record turnout was because of the 1,000 plus who tried to get new people on the Board. The problem - most people don't know who the people are who are running for the Board. How do they know who to vote for if all they have is a little blurb that was in their voting envelope?

Our Neighborhood Board system - especially in Kailua - is bogus.

Why is the Council catering to a minority of the community and proposing to reward them for breaking the law? The only supporters of more B & Bs are illegal operators and opportunistic "wannabes" who (1) are obviously not law-abiding and (2) want to operate a mini-hotel business in a residential area. They amount to about 400 on Oahu.

Where are the facts in this statement? The supporters of B&Bs are those who understand the need for this type of accommodations for visitors, who know the economic advantages for the community and the City and County and the State. The supporters of B&Bs and other short-term vacation rentals are not only the operators, but the neighbors who use these accommodations for their family and friends who come to visit. The supporters of B&Bs are the visitors who come to be a part of our community year after year; they are the people who shop in our stores and eat in our restaurants. They are kind, friendly people who feel that Hawaii is their home if just for a few weeks a year. The supporters of B&Bs are the cleaning

lady who is earning her way through school; the gardener who is sending his children to college on his manual labor; the plumber, electrician, carpenter, painter and handyman who answer the emergency call on a Sunday afternoon, but keep the short-term vacation rentals in tip-top shape. The supporters of short-term vacation rentals are the majority of the citizens of Oahu who would rather have a short-term rental that has rules, off-street parking and a manicured lawn rather than the many permanent neighbors who have loud parties, park 5 SUVs and pickups on the lawn, and whose dogs bark all night. The supporters of short-term vacation rentals are the majority of the citizens of Oahu who aren't even aware that there is a short-term rental on their block.

What "public purpose" is the Council hoping to achieve by proposing to legalize B & Bs? The proposal actually conflicts with the official public policy contained in Honolulu's adopted General Plan and the Development Plans. These plans call for the protection and preservation of residential character and the confinement of tourism to resort zones in Waikiki, Kapolei, Kuulima and Laie. What public purpose is compelling enough to over-ride these plans that the public has relied on as guides to proper government action?

I would think that the public purpose is to answer an obvious need for visitor accommodations on a short-term basis. Short-term vacation rentals of all kinds exist in residential neighborhoods throughout the world. This is not a new concept. It has been around since humans were able to travel from one community to another. Not every tourist wants to stay in a hotel room in a "tourist" area. Many would like to experience the real life style of the residents of an area. They do not change the residential character of a community. They want to become part of that character. They go to our churches, shop in our community stores, and take morning and evening walks around the neighborhood just like the rest of us. And, there is the economic purpose. We spend millions of dollars promoting tourism and then the Don Bremners of this Island want to tear it all down by saying that the visitors are not wanted. Short-term vacation owners pay their taxes to the State. How is Mr. Bremner and his cohorts supporting tourism -- our economic engine? That is a pretty important purpose.

The DPP itself, in its report to the Council, **warned that there will be "...significant impacts from B & Bs in residential areas."** Why is the Council proposing to take this risk of damage to residential areas?

What significant impacts did the DPP name? I can name the impact if we don't support short-term vacation rentals. I used to live in a summer resort town on the mainland. There were many, many individually owned cottages -- bungalows as they were called - scattered throughout residential areas. In the summer (when visitors came to our town), all the bungalows were filled, the town bustled. Many stores were open only during this time. Two theaters were open where there was only one in winter. There were many jobs for local kids. We were able to earn our college tuition. Then big hotels moved in, and the bungalows closed up, one by one until they no longer existed. It just wasn't the same. Soon visitors stopped coming. The area no longer had the same "feel." Visitors could no longer come with the family for the summer as they couldn't afford several hotel rooms. Now the hotels have closed. The town is almost a ghost town. There are few jobs for the

residents, stores are boarded up - and not just in the winter. The economy is in the toilet. The young people are moving away. It is not a pretty sight. IN fact, it's downright depressing. That's the impact short-term rentals have on a community. Could this happen to Kailua? Haleiwa? Makaha? You bet it could if we stop short-term vacation rentals.

What “problem” is the Council addressing by its proposal to legalize B & Bs? The “problem” is the illegal vacation rental operators, breaking the law and changing the character of our residential areas to that of resort transiency. The solution is merely to enforce the law.

The problem is the group of people led by Don Bremner who are hateful and do not want to work with their neighbors. The problem is how to get neighbors to be good neighbors on both sides of the fence. Permitting all short-term rentals would guarantee that there would be rules and regulations to follow and that those who run them could have something concrete to abide by - the rental owners could have an association that would police the industry. It's so simple - it's so much easier to be nice than to be mean. There's an old saying - you get a lot more with honey than with vinegar. If there are some problem short-term rental units, you could try asking them to be quiet, move their cars, or whatever - try doing it nicely. It usually works. We had a vacation renter ask one of our permanent neighbors to be quiet - a reverse situation. Our permanent neighbor's children were screaming at 5 a.m. The visitors asked nicely and guess what - the children were quiet the next day. A little Aloha goes a long way.

The “solution” offered by the Council is the same solution provided in 1989, i.e., giving permits to the illegals. This solution didn't work and it will not work now regardless of how it is “packaged.” “Legalization” will increase the need for enforcement. The illegals who do not get permits will not go away. The people who do not get permits will make future demands that they be “legalized.” We'll be right back where we are today, but there will be more damaging incursions into our residential areas by the “permitted” B & Bs. See the previous comments.

Vacation rentals escalate the cost of housing and take units away from needy permanent residents. In a political situation where “affordable housing” is supposedly a priority, the “legalization” of B & Bs is unconscionable. What's unconscionable is for Mr. Bremner to think he has the right to determine who you or I rent to, for how much money and for how long. Does he rent rooms in his home to needy, permanent residents? Many short-term vacation rental owners I know would be needy permanent residents if they stopped renting their homes to visitors.

Vacation rentals don't escalate the cost of housing. Low interest rents, low inventory of homes for sale, coupled with many buyers increase the cost of housing. Supply of land increases the cost of housing. It's called supply and demand.

The opposition wants the public to think they are “Mom and Pop” operations when in fact they are part of a large “industry” involving, high-tech advertising, reservation management, rental agents, housekeeping services, tax (GE and TAT) management, etc., each incurring a cost item in an activity incurring large cash flows. One operator, who

poses as a "Mom and Pop" bought their home in 2001, knowing at the time that B & Bs were illegal. Despite that, showing their real intent as well as their arrogant disregard for the law, they acquired a Transient Accommodation Tax license (TAT), in 2000, the year prior to the purchase of their home.

I guess Mr. Bremner is still living in 1989. My elderly neighbor; my friend who is a single Mom; my friends who enjoy the interaction with visitors from around the world are not part of a large "industry." They are part of 2008 - where advertising on the Internet is the status quo. I guess he considers people selling a baby crib online as part of a large industry because they are selling it on Craig's list. Advertising short term rentals on the Internet is the same as advertising in the classifieds in the newspaper used to be. Reservation management, rental agents, tax management, and housekeeping services have always been around. Now he wants people to keep their occupations static and not change with the times and not to offer needed services.

If acquiring a TAT license is arrogant disregard for the law, why does the State issue them?

Bills 6 & 7 (B & B legalization) put the burden of "objecting to" possible permits on neighbors by requiring them to file written protests instead of putting the burden of neighbor approval on the applicant. This favors the applicant.

Yes, it is important to make it more difficult for a neighbor to disapprove of a short-term vacation renter. Suppose the neighbor just doesn't like the applicant - should we be making it easy for neighbors to be just plain mean? WE all know what it's like to have a bad relationship with a neighbor.

What if none of my neighbors know who I am because we don't disturb our neighbors? Why would I need to get their approval of something they know nothing about?

They also put properties immediately surrounding B & Bs at a disadvantage by allowing neighbors within 500' (or 300' in Bill 6), who will not be directly affected, to decide whether an application can be approved. Why don't immediate neighbors have "veto" power? They are the ones most vulnerable to the damaging impacts of B & B operation

Since I am not asked whether my neighbor can have 6 screaming children, or a party of 40 people every weekend, or can park 6 cars on his lawn or play his stereo while my baby is sleeping, why should my neighbor be the one to decide what I can or cannot do in my house?